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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/803,360 Confirmation No. : 4213
First Named Inventor : Werner ZAGLER
Filed : March 12, 2001
TC/A.U. : 2612
Examiner : Julie B. Lieu

Docket No. : 080437.49628US
Customer No. : 23911

Title : Method and System for Facilitating Entry Into or Out of a
Motor Vehicle

REPLY BRIEF

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant submits this Reply Brief in response to the Examiner's Answer
of July 25, 2006.

ARGUMENT

The Examiner's Answer fails to provide a legally proper obviousness
rejection of Appellant's independent claims based on Boehm (DE 42 03 512 C1).

The Examiner cites to Boehm's abstract and page 11, second paragraph,
for allegedly disclosing Appellant's claim language of:

“completely lowering a window of the vehicle door as soon
as both the double unlock command and the simultaneous
or subsequent opening of the vehicle door occurs, without
requiring any further action by a user” (see claim 1 on
appeal).

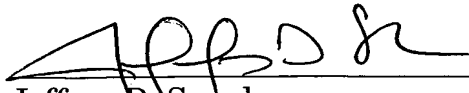
However, Boehm does require an additional action by the user before the window is completely lowered. Indeed, Boehm states that the user must activate the handle button "for a period of time in excess of one second". Only after that additional action occurs, is the window lowered. If that action does not occur, then the window is not lowered as shown in Boehm's Figure 2 diagram on the right side, see page 11, lines 3-11.

In the Examiner's "Response to Argument" section of the Answer, the Examiner appears to misconstrue Appellant's claim language by reading the recitation "as soon as" to somehow correspond to the additional action required by Boehm. It is not the specific time period during which Boehm's user must hold the door handle in an open state that is at issue, however, rather it is the very fact that a user must consciously hold the handle in an open state (which is not normal) that is the additional action that is not required by the present invention. Under Boehm's normal operation, the window is not lowered as shown by the right hand path of the Figure 2 flow chart. Thus, Boehm does require an additional user action before the window will be lowered once the double unlock command is given and the door is opened.

In view of the foregoing, Appellant requests a reversal of the final rejection.

Respectfully submitted,

August 23, 2006


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